

James Madison to Thomas Jefferson, January 15, 1782. Transcription: The Writings of James Madison, ed. Gaillard Hunt. New York: G.P. Putnam's Sons, 1900-1910.

TO THOMAS JEFFERSON.1

1 From the Madison Papers (1840).

Philadelphia, January 15, 1782.

Dear Sir, —The result of the attack on your administration was so fully anticipated that it made little impression on me.² If it had been consistent with your sentiments and views to engage in the service to which you were called, it would have afforded me both unexpected and singular satisfaction, not only from the personal interest I felt in it, but from the important aid which the interest of the State would probably have derived from it. What I particularly refer to is her claim to Western territory. The machinations which have long been practised by interested individuals against this claim, are well known to you. The late proceedings within the walls of Congress, in consequence of the territorial cessions, produced by their recommendations to the States claiming the Western country, were, many weeks ago, transmitted for the Legislature by a Captain Irish. By the same conveyance I wrote to you on the subject. We have the mortification to find, by our latest letters from Richmond, that this gentleman had not, at the date of them, appeared there. As it is uncertain whether that information may not have totally miscarried, it will be proper to repeat to you that the States, besides Virginia, from which the cessions came, were Connecticut and New York.

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2 June 5, 1781, the Virginia Assembly ordered an investigation of Jefferson's administration as Governor. It resulted in a favorable report. He was appointed a Peace Commissioner by Congress June 14 and declined June 30.

The cession of the former consisted of all her claim west of New York as far as the Mississippi. That of the latter, of all her claims beyond a certain western limit, drawn on the occasion. The cession of Connecticut extended to the soil only, expressly reserving the jurisdiction. That of New York made no reservation. These cessions, with that of Virginia, and sundry memorials from the Indiana and other land companies, were referred to a committee, composed of a member from New Hampshire, Rhode Island, New Jersey, Pennsylvania and Maryland. The ingredients of this composition prepared us for the complexion of their proceedings. Their first step was to investigate and discuss the respective titles of the States to the territory ceded. As this was directly in the face of the recommendation of Congress, which professed to bury all such discussions, and might prejudice future controversies between individual members of the Union, we refused to exhibit any evidence in favor of the title of Virginia, and endeavored, though in vain, to prevail on Congress to interdict the Committee from proceeding in the inquiry. The next step of the Committee was still more obnoxious. They went fully into a hearing of the memorialists through their agent, and received all the evidence adduced in support of their pretensions. On this occasion we renewed our remonstrances to the Committee, and our complaints to Congress, but with as little effect as on the first occasion. The upshot of the whole was a report to Congress, rejecting the cessions of Connecticut and Virginia, and accepting that of New York; disallowing also the claims of the companies northwest of the Ohio, but justifying that of the Indiana company. The report seems to distrust the doctrine hitherto maintained, of territorial rights being incident to the United States collectively, which are not comprehended within any individual State; substituting the expedient of recognizing the title of New York, stretching over the whole country claimed by the other ceding States, and then accepting a transfer of it to the United States. In this state the

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business now rests—the report having never been taken into consideration; nor do we wish it should, till it shall have undergone the consideration of Virginia.

In whatever light the policy of this proceeding may be viewed, it affords an additional proof of the industry and perseverance with which the territorial rights of Virginia are persecuted, and of the necessity of fortifying them with every precaution which their importance demands. As a very obvious and necessary one, we long since recommended to the State an accurate and full collection of the documents which relate to the subject. If the arrival of Captain Irish had taken place before the adjournment of the Assembly, and during your stay with it, we flattered ourselves that the recommendation would have been attended to, and that the task would have fallen on you. As this was not the case, we have no hope at present of being enabled, from any other sources than the voluntary aid of individuals, to contradict even verbally the misrepresentations and calumnies which are daily levelled against the claims of Virginia, and which cannot fail to prepossess the public with errors, injurious at present to her reputation, and which may affect a future decision on her rights. Colonel Mason's industry and kindness have supplied us with some valuable papers and remarks. Mr. Jones has also received from Mr. Pendleton some judicious remarks on the subject. We are still, notwithstanding, far from possessing a complete view of it. Will you permit me to ask of you such information as your researches have yielded, with the observations which you have made in the course of them. I would not obtrude such a request on you if the subject were not of public importance, and if it could have been addressed with equal prospect of advantage elsewhere. Indeed, if you could prevail on yourself to spare as much time as would survey the whole subject, beginning with the original charter, pursuing it through the subsequent charters and other public acts of the crown, through the government of Virginia, and referring to all the transactions with the Indians which have been drawn into the question. the public utility, I am persuaded, would sufficiently reward you for the labor.